

06-22-05

14:01

From-t 190

RECEIVED  
CENTRAL FAX CENTER

+8586515400

T-455 P.016/027 F-931

JUN 22 2005

Attorney Docket No. 030244  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of )

Sandip Sarkar )

For: Congestion Control in a Wireless  
Data Network

Serial No. 10/646,242 )

Examiner: Alexander Boakye )

Filed: August 22, 2003 )

Group No.: 2667

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
OVER A PENDING SECOND APPLICATIONMail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Thien T. Nguyen, am the attorney of record for this invention. The assignee, QUALCOMM Incorporated, is located at 5775 Morehouse Drive, San Diego, California 92121.

## EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is the whole of this invention.

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Depositor's Name: \_\_\_\_\_  
(type or print name)Date: June 22, 2005

## FACSIMILE

- ☒ transmitted by facsimile to the Patent and Trademark Office.

Depositor's Name: Sheryl Schoen  
(type or print name)Signature: Sheryl Schoen

06/24/2005 RMEBRAHT 00000050 170026 10646242

01 FC:1814 130.00 DA

Attorney Docket No. 030244

**RECORDAL OF ASSIGNMENT**

The Assignment for this application was recorded with the U.S. Patent and Trademark Office on January 26, 2004 at Reel/Frame 014924/0773.

**DISCLAIMER**

The terminal part of the statutory term of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154-156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application No. 10/646,955, filed on August 21, 2003, of any patent on the pending second application. The disclaimant hereby agrees that any patent so granted on the instant application are enforceable only for and during such period that that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued or in any manner terminated prior to expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant, except for the separation of legal title stated above.

**Attorney Docket No. 030244**

The Commissioner is hereby authorized to charge payment of the Terminal Disclaimer Fee of \$130.00 under 37 CFR § 1.20(d) and any additional fees which may be required, or credit any overpayment, to Deposit Account No. 17-0026. A duplicate of this sheet is enclosed for charge purposes.

Respectfully submitted,

Dated: June 22, 2005

By: 

Thien T. Nguyen, Reg. No. 42835  
(858) 651-6137

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502